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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,415	09/29/2000	James M. Crawford JR.	020431.0742	9669

7590 09/04/2003

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ALVAREZ, RAQUEL

ART UNIT	PAPER NUMBER
	3622

DATE MAILED: 09/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/675,415	CRAWFORD ET AL.
	<b>Examiner</b> Raquel Alvarez	<b>Art Unit</b> 3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 October 2000.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                     | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                            | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.<br>9 . | 6) <input type="checkbox"/> Other: _____ .                                   |

## **DETAILED ACTION**

1. Claims 1-30 are present for examination.

### **Claim Rejections - 35 USC § 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 7 recites the limitation "the content server" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.
3. Claim 9 recites the limitation "the availability server" in line 1. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 10 recites the limitation "the availability server" in line 1. There is insufficient antecedent basis for this limitation in the claim.

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1, 4-5, 8-13, 15, 18-19, 22-27, 29 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Cragun et al. (5,774,868, Cragun hereinafter).**

With respect to claims 1, 4, 5, 8, 9-13, 15, 18-19, 22-27, 29, 30, Cragun teaches a system for rendering content according to availability data for at least one item (Abstract). A server operable to receive a content request from a user, and in response to retrieve the requested content (see figures 1 and 2); a rendering engine coupled to the server and operable to identify at

least one rule within the content and concerning the item (col. 4, lines 15-27); the rendering engine further operable to render the requested content, including content concerning the item (col. 4, lines 15-27); a rules engine coupled to the rendering engine and operable to receive availability data for the item (i.e. the in-store data relates to the inventory information of the item)(col. 17, lines 39-44); retrieve additional content according to the availability data for the item, the additional content being selected from among one or more stored content elements that concern the item (col. 4, lines 18-27); communicate the additional content concerning the item to the rendering engine for incorporation in the requested content (col. 17, lines 61-, col. 18, lines 1-6); the rendering engine further operable to render the requested content, including the additional content concerning the item (col. 4, lines 18-27 and lines 61-, col. 18, lines 1-6); the server further operable to communicate the rendered content to the user to satisfy the content request (Figures 1 and 2).

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**6. Claims 6-7, 14, 20-21 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cragun.**

Claims 6 and 20 further recite that the availability data consist of inventory, delivery and pricing information. Since, Cragun teaches that the availability data includes inventory

information and other information related to the products to be recommended such as the weather and the time of the item in order to recommend the most suitable item (col. 17, lines 32-44) then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included delivery and pricing information of the item to better predict items that will be purchased by the customers.

Claims 7 and 21 further recite pricing information in accordance with a promising policy from multiple suppliers of the items. Official notice is taken that it is old and well known to receive pricing information from a variety of entities in accordance with a preset promising policy. For example, in electronic auctions pricing terms are pre-negotiated with the various suppliers or entities that are willing to fulfill a customer's order in order to provide consistency within the system. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included pricing information in accordance with a promising policy from multiple suppliers of the items in order to achieve the above mentioned advantage.

With respect to claims 14 and 28, Cragun teaches that the selected item are selected from availability for the item to which the recommendation is directed and a characteristic of a user to which the recommendation is to be presented (co. 17, lines 32-60). Cragun does not specifically teach that the profitability for the item to which the recommendation is directed and the item that the seller wishes to optimize. Official notice is taken that it is old and well known to taken into account the profitability and the items that the sellers want to optimize in the recommendation process. For example, real estate agents will try to sell their own listings in order to maximize their profits. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the profitability for the item to which the

recommendation is directed and the item that the seller wishes to optimize in order to obtain the above mentioned advantage.

**7. Claims 2-3, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cragun in view of Linden et al. (6,266,649 hereinafter Linden).**

Claims 2 and 16 further recite that the server is a web server and that the request comprises a Hypertext Transfer Protocol request containing a Uniform Resource Locator for a particular page. Linden teaches collaborative recommendations using item-to-item similarity mappings. The user logs into the Amazon.com web server and requests information for a particular web page (see Figure 6). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the teachings of Linden of the server being a web server and that the request comprises a Hypertext Transfer Protocol request containing a Uniform Resource Locator for a particular page because such a modification would provide world wide access to the system.

With respect to claims 3 and 17 in addition to some of the limitations addressed above in the rejection to claims 2 and 16, the claims further recite that the rules are incorporated into the requested content. Since the combination of Cragun and Linden teach rules corresponding to the recommended item then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included incorporating the rules into the requested content because such a modification would allow for the convenience of allowing for the rules to be requested when necessary.

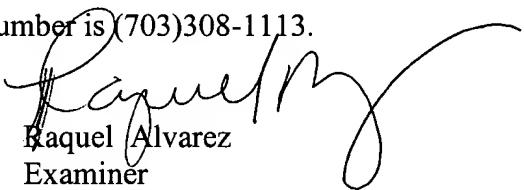
*Point of contact*

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (703)305-0456. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w Stamber can be reached on (703)305-8469. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

  
Raquel Alvarez  
Examiner  
Art Unit 3622

R.A.  
9/2/03